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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	:	
	:	
Amendment of Part 90	:	PR Docket No. 93-61
of the Commission's Rules	:	
to Adopt Regulations	:	
for Automatic Vehicle	:	
Monitoring Systems	:	

To: The Commission

ASSOCIATION OF AMERICAN RAILROADS
OPPOSITION TO APPLICATION FOR FREEZE

The Association of American Railroads ("AAR"), through its undersigned counsel, hereby opposes the "Application for Freeze" filed by North American Teletrac and the Location Technologies, Inc. ("Teletrac") in the above-captioned proceeding on May 21, 1993. In support of this opposition, the following is shown:

1. The grant of Teletrac's freeze application would have the adverse effect of halting immediately and indefinitely the continued deployment of the U.S. railroad industry's nationwide program for Automatic Equipment Identification ("AEI"). This would be a major setback for the U.S. rail industry which, as the Commission is aware, is presently in the midst of installing a comprehensive nationwide AEI system that has been in the planning and development stages for years.

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List A B C D E

2. As AAR has described in detail to the Commission previously,[1/] AAR's member railroads are in the process of implementing a nationwide AEI system that is based on AAR Standard S-918, which became effective on March 1, 1992. This standard contains detailed specifications relating to the use of AEI devices on railroad equipment, and specifically requires operation in the 902-928 MHz spectrum. The AAR Standard S-918 will be mandatory for all rail cars used in interchange service by 1995; by the time the railroads' AEI program is complete, there will be over 1.4 million rail vehicles equipped with AEI tags, and 3,000 to 5,000 tag readers along the thousands of miles of track and in terminals and rail yards throughout the U.S. and Canada.

3. To date, AAR's members are operating several hundred AEI tag readers at various locations throughout the United States pursuant to licenses issued by the Commission's Private Radio Bureau. Railroads are continuing to file applications for new tag reader licenses as the nationwide deployment of the railroads' AEI system proceeds as scheduled.

4. The premise of Teletrac's freeze petition is that the Commission has already decided to exclude AEI tag readers such as those used by the railroads from the 904-912 MHz band. This premise is not correct. The Commission's Notice of Proposed

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1/ See AAR "Statement in Opposition to Petition for Rulemaking," filed July 23, 1992 in RM No. 8013, a copy of which is attached hereto and incorporated herein by reference.

Rulemaking (NPRM) in this proceeding, released April 3, 1993, was open-ended regarding the utilization of the 904-912 and 918-926 MHz bands. Although the Commission tentatively proposed to reserve those bands for so-called "wideband" systems such as the one operated by Teletrac, it also specifically invited comment on various alternative licensing schemes. In this regard, the Commission invited parties to comment on the following:

- Whether there is a method whereby wideband pulse ranging systems can effectively coexist with narrowband systems?
- What are the maximum acceptable of levels of co-channel noise for a shared environment, and what methods can be used to limit noise to this acceptable level?
- Can narrowband transmissions be restricted to certain frequencies within the two 8 MHz segments, thereby minimizing interference to the wideband licensees?
- Do wideband pulse ranging systems require a full 8 MHz of spectrum, and, if not, what minimum amount of spectrum is necessary?
- Is the amount of the spectrum being proposed for narrowband systems sufficient to accommodate future uses of those systems?

NPRM, supra, at para. 17. Obviously, by having posed the foregoing questions the Commission has left open entirely the ultimate issue regarding continued use of the 904-912 and 918-926

railroads' AEI system even though there has been no allegation, much less proof, that any railroad tag readers have caused interference to any of Teletrac's vehicle monitoring systems. In short, Teletrac has not shown (and cannot show) that a freeze is necessary. In this regard, Teletrac's freeze application constitutes overreaction in the extreme, and is comparable to Teletrac's recent "Petition to Deny" a license application filed by the Union Pacific Railroad, one of AAR's members, for a tag reader in Green River (Sweetwater County), Wyoming, where Teletrac sought denial of the railroad's AEI application even though Teletrac does not hold a license in that area or anywhere near it.[2/] The Commission should not countenance such extreme and unsupported requests.

6. In summary, AAR respectfully submits that, contrary to Teletrac's characterization, the Commission has not yet determined the outcome of PR Docket No. 93-61, and there is no need, therefore, to implement the freeze requested by Teletrac. Instead, the Commission should continue its present course of granting licenses for railroad AEI systems while the deliberations and discourse continue in the normal course[3/]

2/ See Application of Union Pacific Railroad, File No. 238370, and Teletrac's Petition to Deny, filed on May 5, 1993.

3/ Comments are due in this proceeding on June 29, 1993. AAR is analyzing the issues and questions posed by the Commission in the NPRM, and intends to file comments on June 29.

regarding the best means to accommodate the various technologies that are using the 902-928 MHz band.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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June 4, 1993

Attachment

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 90.239	)	RM No. 8013
of the Commission's Rules to	)	
Adopt Permanent Regulations for	)	
Automatic Vehicle Monitoring	)	
Systems	)	

To: The Commission

STATEMENT IN OPPOSITION TO PETITION FOR RULEMAKING

Pursuant to Section 1.405 of the Rules, 47 C.F.R. §1.405, the Association of American Railroads ("AAR") hereby comments on the above-captioned petition for rulemaking recently filed by North American Teletrac and Location Technologies, Inc. (hereafter "Teletrac").[1/] Teletrac's petition addresses the rules governing automatic vehicle monitoring (AVM) systems. Because grant of Teletrac's petition could interfere with the development of AVM technology and hinder operation of the AVM marketplace, AAR strongly opposes Teletrac's petition.

AAR is a voluntary, non-profit organization composed of member railroad companies operating in the United States, Canada and Mexico. These railroad companies generate 97% of the total operating revenues of all railroads in the United States. The AAR is the joint representative and agent of these railroads in

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1/ By Public Notice released June 23, 1992 (Report No. 1897), the Commission invited interested persons to file statements opposing or supporting Teletrac's Petition for Rulemaking.

connection with federal regulatory matters of common concern to the industry as a whole, including matters pertaining to regulation of communications. In addition, AAR functions as the frequency coordinator with respect to applications by the member railroads for licenses in the Private Land Mobile Radio Service.

As the Commission is aware, AAR and the U.S. rail industry have longstanding experience with the problem of locating and tracking vehicles. Although individually owned by any one of several railroad and private rail car companies, railroad rolling stock travels throughout North America, pulled by locomotives operated by any number of railroad organizations, on tracks owned by various companies. One of the most significant problems facing the railroads today is the efficient management of their rolling stock, which presupposes reliable methods of locating rail cars at all times. Given the increasingly competitive nature of the railroad industry in particular and the transportation marketplace in general, efficient use of these mobile resources is critical to safe and effective service to the public and to corporate profitability.

AAR and the North American railroads have tested and used many systems in an attempt to streamline locating rail cars

for several years in the mid-1970s such systems were tried. Problems of reading in inclement weather, near continuous maintenance, and the limited amount of information that can be contained in bar code panels limited the effectiveness of these

domestically, regardless of whether such containers move by ship, rail or truck. This will enable enormous efficiencies in the transportation marketplace by increasing the accuracy of lading tracking and by reducing costs through proper routing of freight and elimination of paperwork.

Many AAR members have begun implementing automatic equipment identification (AEI) applications to conform to the AAR standard. AAR acts as the central point for FCC licensing of these systems. Prior to initial licensing, AAR met with the Commission's Private Radio Bureau licensing staff to discuss the operation of AVM technology used by the railroads. Following the grant of initial licenses by the Commission and based on favorable results of

[redacted]

with AEI tags and 3,000 to 5,000 readers along the thousands of miles of track and in terminals throughout the United States and Canada. Tags are being added at a rate of about 15,000 cars per month at the present time.

In view of AAR's experience in AVM and the plans of U.S. railroads to improve their operation through use of AVM technology, AAR was deeply disturbed by Teletrac's petition. As AAR reads Teletrac's request, the proposal would undermine the railroad industry's efforts in at least two important respects.

First, Teletrac's request would have the effect of freezing the development of AVM systems. When the rules were established in 1974, the Commission could not predict the direction AVM service would take. Thus, the agency wisely adopted flexible policies to accommodate multiple concepts and systems. The railroads and the AVM industry have been well served by such flexibility, as it has permitted development of various AVM technologies as demanded by the marketplace. Because AVM systems are still evolving, flexible rules that do not lock in any particular technology would continue to serve the public interest.

Second, the Teletrac petition would have the effect of granting exclusive future use of the 904-912 MHz and 918-926 MHz portions of the frequency spectrum to Teletrac and similar users. This exclusive grant of use to Teletrac would significantly

interfere with implementation of AEI technology by AAR's member railroads. This is especially unwarranted given that the AVM technology that AAR uses was specifically designed to operate in a shared spectrum environment. Because such AVM technology utilizes low power and relatively small amounts of spectrum, it presents a minimal threat of interference to other systems. Systems that have more difficulty sharing, as Teletrac's petition implies its system does, should not be rewarded with exclusive access to scarce radio frequency spectrum.

The national and international standards used by the railroads and other transportation industries were developed at significant cost (both in terms of money and effort) by the AAR, ATA and ISO, as well as the companies involved. The grant of exclusive spectrum use to Teletrac would clearly frustrate the efforts of the transportation industry to implement AEI applications that conform with these international and national standards.

[redacted]

Simply put, grant of Teletrac's request would dramatically narrow the amount of the 902-928 MHz spectrum available for railroad AEI applications and prohibit use of this technology in rail yards where more than two readers are required. AAR does not believe that this result would serve the public interest. Accordingly, AAR recommends that the Commission dismiss Teletrac's petition.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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July 23, 1992

Attachmment: AAR Standard No. S-918

CERTIFICATE OF SERVICE

I, Norma E. Rusnak, hereby certify that on this 4th day of June, 1993, a copy of the foregoing "Association of American Railroads Opposition To Application For Freeze" was served by first class United States mail, postage prepaid on the following parties:

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